



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

FEB 28 2017

CityWide Development Corporation
ATTN: Brian Heitkamp
Chief Operating Officer
8 North Main Street
Dayton, OH 45402

Re: **Request for 40 CFR §761.61(c) Approval
Work Plan for Site-Wide Risk-Based Management of
PCB-Contaminated Material Dayton Tech
Town/Former General Motors Delphi Harrison
Thermal Systems Facility 300 Taylor Street, Dayton,
Ohio**

Dear Mr. Heitkamp:

This is in response to your July 31, 2015 Request for 40 Code of Federal Regulations (CFR) § 761.61(c) Approval of a Work Plan (Application) for Site-Wide Risk- Based Management of Polychlorinated Biphenyl (PCB) Material at the Dayton Tech Town site as amended in January 2017. The Application was previously submitted by the City of Dayton, a partner in the site development. CityWide Development Corporation is the parent company of Tech Town New Market, Inc., Tech Town Holdings, LLC, and Dayton Tech Town, Inc., and owns the properties to which the Environmental Covenant will be attached at the Records Office. The City of Dayton, as a partner in the project, will be identified as a Holder on the Environmental Covenant.

On behalf of the City of Dayton, Weston Solutions Inc. originally submitted a Work Plan under 40 CFR § 761.61(c) in July 2013 to address PCB contamination at the Tech Town site undergoing closure through the Ohio Voluntary Action Program (VAP). The City of Dayton was working to remediate this portion of the former General Motors (GM) Delphi Harrison Radiator Thermal Systems Plant to comply with Ohio VAP standards for commercial and industrial reuse as a campus for technology-oriented companies.

PCBs have been identified in soil on the Site at concentrations exceeding 50 milligrams/kilogram (mg/kg) in five areas that are associated with the following sampling locations: MW-3-02, MW-37- 05, SB-57-02, SB-71-03, and SB-109-04. PCBs have been detected in groundwater samples collected from beneath the Site at concentrations exceeding the

drinking water standard in several monitoring wells located within or in close proximity to the > 50 mg/kg areas. PCB containing light non-aqueous phase liquid (LNAPL) has been identified at the Site.

The Application, as amended by the City of Dayton, requests a risk-based disposal determination to address the residual PCB contamination at the Site under 40 CFR § 761.61(c) by proposing the following activities:

- Ensuring that no site soils within the 0 to 2-foot interval will exceed 25 mg/kg PCB. For the 2 to 10-foot interval, the City of Dayton applied the Ohio VAP generic standards and use of risk mitigation measures pursuant to a Risk Mitigation Plan to mitigate risk of exposure to PCBs > 42 mg/kg during intrusive site activities. A site-specific single chemical PCB soil standard of 226 mg/kg was calculated to be protective for short-term exposure (i.e. emergency utility repair). Additional soil sampling will be performed in the SB-109-04 area of soils exceeding 226 mg/kg and further action coordinated with EPA.
- Including a notation within an Environmental Covenant that identifies the concentrations and depths of PCB Remediation Waste remaining at the site.
- PCBs were discovered in groundwater at MW-3-02, MW-12A-03, and B-SA21/21R at levels above the TSCA unrestricted use standard of 0.5 µg/L. A bi-annual groundwater monitoring program will be implemented to demonstrate that PCBs discovered in groundwater at the site are not migrating.
- Applying and implementing land and groundwater use restrictions. Potable groundwater use will be prohibited and non-potable groundwater use will be restricted as part of the Environmental Covenant to be recorded at the completion of the voluntary action. Additionally, in August 2009, Ohio EPA issued an Urban Setting Designation approval to the City for a 180-acre area that includes the Tech Town properties under which the groundwater is identified as not currently being used and will not be used for drinking water purposes in the foreseeable future. A notation will be placed within an Environmental Covenant for the site to identify the presence of PCBs at the site and include a requirement to preserve any engineered barriers which may be installed to address residual PCB contamination.

Subject to the conditions of Attachment 1, this approval is granted in accordance with the federal PCB regulations codified at 40 CFR §761.61(c), under which the Regional Administrator may approve a method to dispose of PCB Remediation Waste if it is found that the method will not pose an unreasonable risk of injury to human health or the environment. The Regional Administrator has redelegated this approval authority to the Director of the Land and Chemicals Division. This approval is based on our finding that the use of engineered barriers, groundwater monitoring, and the use of institutional controls (i.e., Environmental Covenant and Urban Setting Designation) to limit human exposure to the remaining on-site PCB-contaminated soil and groundwater will not pose an unreasonable risk to human health and the environment. Compliance with the specific conditions of this approval will also ensure the continued

maintenance of these specific monitoring, engineering, and institutional controls. This approval is effective as of the date of this letter.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Upon EPA receipt and review of the submittals, we may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Application, and this Approval.

The property owner is responsible for ensuring continued compliance with all applicable provisions of the Toxic Substances Control Act (TSCA), the federal PCB regulations, and the conditions of this Approval. Any departure from the conditions of this Approval or the Notification must receive prior written authorization from this office. Further, this Approval does not relieve the property owner from compliance with any other federal, State, or local regulatory requirements. This Approval does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties, suspension or termination of the Approval for any violation, or requiring additional cleanup should The property owner fail to abide by this Approval. All conditions of this Approval and other applicable requirements of TSCA and its implementing regulations will continue to apply to the Site after any transfer in ownership.

If you have any questions regarding this approval, please do not hesitate to call Peter Ramanauskas, of my staff, at (312) 886-7890.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ignacio L. Arrázola", followed by a horizontal line.

Ignacio L. Arrázola
Acting Director
Land and Chemicals Division

Enclosure

cc: Chris Lipson, City of Dayton Michelle Bakkila, Weston Solutions

APPROVAL CONDITIONS

A. Authorized Remedial Action

The property owner is authorized to cleanup and dispose of PCB remediation waste found at the Dayton Tech Town/Former General Motors Delphi Harrison Thermal Systems Facility according to the procedures described in the January 2017 Work Plan and according to the conditions below:

1. The property owner will prepare and submit a sampling and analysis Plan to EPA to perform additional delineation in the area of the Meigs Street extension and in the area of SB-109-04.
2. Prior to any soil excavation activities below a depth of 2 feet that will generate soil for reuse or disposal, the excavation area soils shall be characterized for the presence of PCB contamination using existing data within or in the vicinity of the proposed excavation area or via the collection of additional soil characterization data. Due care shall be exercised in the decision-making process for collecting additional soil characterization samples considering factors such as concentrations of PCBs in nearby sampling locations relative to the action levels described below, respective distance and available PCB data from nearby sampling locations to the proposed excavation area and depth, and visual or olfactory observations of contamination. Soil sample results used for characterization, segregation, and disposal determination purposes must be based on samples collected in-situ.
 - a. Soil and/or concrete sample results used for characterization, segregation, and disposal determination purposes must be based on samples collected in-situ.
 - b. Soils exceeding 226 mg/kg PCB within 2 to 10 feet below ground surface must be removed and disposed of in accordance with 40 CFR §761.61(a)(5)(i)(B).
 - c. Any additionally excavated site soils exceeding 50 mg/kg PCB must be disposed of in accordance with 40 CFR §761.61(a)(5)(i)(B).
 - d. Any soils exceeding 25 mg/kg PCB must be removed from the 0 to 2-foot interval or covered by an engineered barrier meeting, at a minimum, the requirements of 40 CFR §761.61(a)(7).
 - e. Excavated site soil containing <50 mg/kg PCB may be returned to the site or disposed off-site in accordance with 40 CFR §761.61(a)(5)(i)(B), subject to the condition presented in paragraph A.2.d.
 - f. Any water removed from excavation containing PCB must be decontaminated or disposed of as allowed under 40 CFR §761.61(b)(1).
3. Light Non-Aqueous Phase Liquid (LNAPL) will be extracted in the B-SA21R area through use of extraction/soil-vapor extraction wells.

4. LNAPL, absorbent materials, and any residual groundwater will be analyzed and decontaminated to the standards identified in 40 CFR §§761.79(b)(1) or (b)(2), as applicable, or disposed of in accordance with 40 CFR §761.61(b). PCB remediation waste absorbent socks will be placed inside a 30-gallon poly drum and properly labeled. The 30-gallon drum will be placed inside a 55-gallon drum which will also be labeled and stored within a locked enclosure. Disposal arrangements will be made when the 30-gallon poly drum reaches capacity. On-site storage will not exceed 18 months.

B. Monitoring

1. LNAPL thickness monitoring will be conducted in monitoring wells B-SA21R, MW-12A-03, MW-24-04, and B-SA27. B-SA27 is noted as being obscured by fill. If B-SA27 cannot be located or is damaged, a replacement well that screens the water table will be installed for LNAPL thickness monitoring.
2. Monitoring wells MW-3-02 and sentry wells MW-13A-03, MW-72, MW-9-03, DAY-01, MW26-04, and B-SA26 will be sampled biannually for PCBs. If PCB levels at the sentry wells exceed the 40 CFR §761.79(b)(1)(ii) level of 3 micrograms per liter (µg/L), the wells will be resampled within two weeks of validation of the initial results. If resampling results in a PCB detection above 3 µg/L or if LNAPL is identified in any of the sentry wells, the property owner will evaluate the results, contact U.S. EPA within five working days of confirmation, and submit a groundwater assessment proposal, including an assessment of additional remedial activities, to U.S. EPA within 90 days.
3. If after 5 years of biannual sampling, PCBs are not detected in the sentry wells at levels above 3 µg/L, the property owner may submit a proposal to U.S. EPA to modify the groundwater monitoring program.

C. Property Use and Restrictions

1. At least 30 days prior to recording an Environmental Covenant for the site per this approval, the property owner will submit a draft copy for review to EPA, Region 5 for review and approval.
2. The property owner will file, under the Ohio Uniform Environmental Covenants Act, an Environmental Covenant for the site upon EPA's approval and signature reflecting the activity and use limitations and provide a copy of the fully executed and filed Environmental Covenant to EPA.

D. Recordkeeping and Reporting

1. The property owner will maintain all records and documents required by 40 CFR Part 761 including records required by Subparts J and K.

2. The property owner shall notify EPA of the discovery of visual or olfactory observations of potential contamination and provide the results of any additional characterization samples collected from such areas under paragraph A.2.
3. The property owner will submit an annual report to EPA identifying groundwater monitoring results, information on any site excavations involving the disturbance or disposal of PCB contaminated soil > 50 mg/kg, and, if engineered barriers are installed under Condition A.2.d, the results of any engineered barrier inspections and repairs. The property owner will maintain such records as long as it owns the site, and will transfer those records to any subsequent owners at the time of conveyance.
4. The property owner will implement a Risk Mitigation Plan to communicate chemical risks and mitigation requirements to construction workers. Limitations on soil disturbance at the site will be identified consistent with the Risk Mitigation Plan.